

Union Calendar No. 88

110TH CONGRESS
1ST SESSION

H. R. 916

[Report No. 110-148]

To provide for loan repayment for prosecutors and public defenders.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. SCOTT of Georgia (for himself, Mr. GORDON of Tennessee, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. DEAL of Georgia, Mr. FATAH, Mr. BISHOP of Georgia, Ms. WOOLSEY, Mr. SCHIFF, Mr. MCCOTTER, Ms. LEE, Ms. DELAURO, Mrs. LOWEY, Mr. MARKEY, Mr. DELAHUNT, Mr. BERMAN, Ms. SOLIS, Mr. ARCURI, Mr. MOORE of Kansas, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, Mr. NADLER, Ms. SCHAKOWSKY, Mr. ELLISON, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 14, 2007

Additional sponsors: Mr. LINCOLN DAVIS of Tennessee, Mr. COOPER, Mr. CHANDLER, Mr. UDALL of Colorado, Mr. CAPUANO, Mr. LINCOLN DIAZ-BALART of Florida, Ms. HIRONO, Ms. DEGETTE, Mr. KUCINICH, Mr. ISRAEL, Mr. HULSHOF, Ms. LINDA T. SÁNCHEZ of California, Mr. FERGUSON, Mr. MICHAUD, Ms. BALDWIN, Mr. ETHERIDGE, Mr. GUTIERREZ, Mr. BACHUS, Mr. FILNER, Mr. RANGEL, Mr. KIND, Mr. ROTHMAN, Mr. MEEK of Florida, Mr. KENNEDY, Mr. WAMP, Mr. LANTOS, Mr. YOUNG of Florida, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Alabama, Mr. EMANUEL, Mr. GALLEGLY, Mr. BOREN, Mr. WATT, Mr. POE, Mr. BRALEY of Iowa, Mr. GRIJALVA, Mr. CUMMINGS, Mr. BECERRA, and Mr. COHEN

MAY 14, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

1 “(1) *PROSECUTOR.*—The term ‘prosecutor’
2 *means a full-time employee of a State or local agency*
3 *who—*

4 “(A) *is continually licensed to practice law;*

5 *and*

6 “(B) *prosecutes criminal or juvenile delin-*
7 *quency cases (or both) at the State or local level,*
8 *including an employee who supervises, educates,*
9 *or trains other persons prosecuting such cases.*

10 “(2) *PUBLIC DEFENDER.*—The term ‘public de-
11 *fender’ means an attorney who—*

12 “(A) *is continually licensed to practice law;*

13 *and*

14 “(B) *is—*

15 “(i) *a full-time employee of a State or*
16 *local agency who provides legal representa-*
17 *tion to indigent persons in criminal or ju-*
18 *venile delinquency cases (or both), including*
19 *an attorney who supervises, educates, or*
20 *trains other persons providing such rep-*
21 *resentation;*

22 “(ii) *a full-time employee of a non-*
23 *profit organization operating under a con-*
24 *tract with a State or unit of local govern-*
25 *ment, who devotes substantially all of such*

1 *full-time employment to providing legal*
2 *representation to indigent persons in crimi-*
3 *nal or juvenile delinquency cases (or both),*
4 *including an attorney who supervises, edu-*
5 *cates, or trains other persons providing such*
6 *representation; or*

7 “(iii) *employed as a full-time Federal*
8 *defender attorney in a defender organiza-*
9 *tion established pursuant to subsection (g)*
10 *of section 3006A of title 18, United States*
11 *Code, that provides legal representation to*
12 *indigent persons in criminal or juvenile de-*
13 *linquency cases (or both).*

14 “(3) *STUDENT LOAN.—The term ‘student loan’*
15 *means—*

16 “(A) *a loan made, insured, or guaranteed*
17 *under part B of title IV of the Higher Education*
18 *Act of 1965 (20 U.S.C. 1071 et seq.);*

19 “(B) *a loan made under part D or E of*
20 *title IV of the Higher Education Act of 1965 (20*
21 *U.S.C. 1087a et seq. and 1087aa et seq.); and*

22 “(C) *a loan made under section 428C or*
23 *455(g) of the Higher Education Act of 1965 (20*
24 *U.S.C. 1078–3 and 1087e(g)) to the extent that*
25 *such loan was used to repay a Federal Direct*

1 *Stafford Loan, a Federal Direct Unsubsidized*
2 *Stafford Loan, or a loan made under section 428*
3 *or 428H of such Act.*

4 “(c) *PROGRAM AUTHORIZED.*—*The Attorney General*
5 *shall, subject to the availability of appropriations, establish*
6 *a program by which the Department of Justice shall assume*
7 *the obligation to repay a student loan, by direct payments*
8 *on behalf of a borrower to the holder of such loan, in accord-*
9 *ance with subsection (d), for any borrower who—*

10 “(1) *is employed as a prosecutor or public de-*
11 *fender; and*

12 “(2) *is not in default on a loan for which the*
13 *borrower seeks forgiveness.*

14 “(d) *TERMS OF LOAN REPAYMENT.*—

15 “(1) *BORROWER AGREEMENT.*—*To be eligible to*
16 *receive repayment benefits under subsection (c), a bor-*
17 *rower shall enter into a written agreement with the*
18 *Attorney General that specifies that—*

19 “(A) *the borrower will remain employed as*
20 *a prosecutor or public defender for a required pe-*
21 *riod of service of not less than 3 years, unless in-*
22 *voluntarily separated from that employment;*

23 “(B) *if the borrower is involuntarily sepa-*
24 *rated from employment on account of mis-*
25 *conduct, or voluntarily separates from employ-*

1 *ment, before the end of the period specified in the*
2 *agreement, the borrower will repay the Attorney*
3 *General the amount of any benefits received by*
4 *such employee under this section; and*

5 *“(C) if the borrower is required to repay an*
6 *amount to the Attorney General under subpara-*
7 *graph (B) and fails to repay such amount, a*
8 *sum equal to that amount shall be recoverable by*
9 *the Federal Government from the employee (or*
10 *such employee’s estate, if applicable) by such*
11 *methods as are provided by law for the recovery*
12 *of amounts owed to the Federal Government.*

13 “(2) *REPAYMENT BY BORROWER.—*

14 “(A) *IN GENERAL.—Any amount repaid by,*
15 *or recovered from, an individual or the estate of*
16 *an individual under this subsection shall be*
17 *credited to the appropriation account from*
18 *which the amount involved was originally paid.*

19 “(B) *MERGER.—Any amount credited*
20 *under subparagraph (A) shall be merged with*
21 *other sums in such account and shall be avail-*
22 *able for the same purposes and period, and sub-*
23 *ject to the same limitations, if any, as the sums*
24 *with which the amount was merged.*

1 “(C) *WAIVER.*—*The Attorney General may*
2 *waive, in whole or in part, a right of recovery*
3 *under this subsection if it is shown that recovery*
4 *would be against equity and good conscience or*
5 *against the public interest.*

6 “(3) *LIMITATIONS.*—

7 “(A) *STUDENT LOAN PAYMENT AMOUNT.*—
8 *Student loan repayments made by the Attorney*
9 *General under this section shall be made subject*
10 *to the availability of appropriations, and subject*
11 *to such terms, limitations, or conditions as may*
12 *be mutually agreed upon by the borrower and*
13 *the Attorney General in an agreement under*
14 *paragraph (1), except that the amount paid by*
15 *the Attorney General under this section shall not*
16 *exceed—*

17 “(i) *\$10,000 for any borrower in any*
18 *calendar year; or*

19 “(ii) *an aggregate total of \$60,000 in*
20 *the case of any borrower.*

21 “(B) *BEGINNING OF PAYMENTS.*—*Nothing*
22 *in this section shall authorize the Attorney Gen-*
23 *eral to pay any amount to reimburse a borrower*
24 *for any repayments made by such borrower prior*
25 *to the date on which the Attorney General en-*

1 *tered into an agreement with the borrower under*
2 *this subsection.*

3 “(e) *ADDITIONAL AGREEMENTS.*—

4 “(1) *IN GENERAL.*—*On completion of the re-*
5 *quired period of service under an agreement under*
6 *subsection (d), the borrower and the Attorney General*
7 *may, subject to paragraph (2), enter into an addi-*
8 *tional agreement in accordance with subsection (d).*

9 “(2) *TERM.*—*An agreement entered into under*
10 *paragraph (1) may require the borrower to remain*
11 *employed as a prosecutor or public defender for less*
12 *than 3 years.*

13 “(f) *AWARD BASIS; PRIORITY.*—

14 “(1) *AWARD BASIS.*—*The Attorney General shall*
15 *provide repayment benefits under this section—*

16 “(A) *subject to the availability of appro-*
17 *priations; and*

18 “(B) *in accordance with paragraph (2), ex-*
19 *cept that the Attorney General shall determine a*
20 *fair allocation of repayment benefits among*
21 *prosecutors and defenders, and among employing*
22 *entities nationwide.*

23 “(2) *PRIORITY.*—*In providing repayment bene-*
24 *fits under this section in any fiscal year, the Attorney*
25 *General shall give priority to borrowers—*

1 “(A) *who, when compared to other eligible*
2 *borrowers, have the least ability to repay their*
3 *student loans (considering whether the borrower*
4 *is the beneficiary of any other student loan re-*
5 *payment program), as determined by the Attor-*
6 *ney General; or*

7 “(B) *who—*

8 “(i) *received repayment benefits under*
9 *this section during the preceding fiscal year;*
10 *and*

11 “(ii) *have completed less than 3 years*
12 *of the first required period of service speci-*
13 *fied for the borrower in an agreement en-*
14 *tered into under subsection (d).*

15 “(g) *REGULATIONS.—The Attorney General is author-*
16 *ized to issue such regulations as may be necessary to carry*
17 *out the provisions of this section.*

18 “(h) *REPORT BY INSPECTOR GENERAL.—Not later*
19 *than 3 years after the date of the enactment of this section,*
20 *the Inspector General of the Department of Justice shall*
21 *submit to Congress a report on—*

22 “(1) *the cost of the program authorized under*
23 *this section; and*

24 “(2) *the impact of such program on the hiring*
25 *and retention of prosecutors and public defenders.*

1 “(i) *GAO STUDY.*—Not later than one year after the
2 date of the enactment of this section, the Comptroller Gen-
3 eral shall conduct a study of, and report to Congress on,
4 the impact that law school accreditation requirements and
5 other factors have on the costs of law school and student
6 access to law school, including the impact of such require-
7 ments on racial and ethnic minorities.

8 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—There is
9 authorized to be appropriated to carry out this section
10 \$25,000,000 for each of the fiscal years 2008 through
11 2013.”.

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A BILL

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